

Panaji, 24th March, 1977 (Chaitra 3, 1899)

SERIES I No. 52

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Law and Judiciary Department

Notification

LD/1034/77

The following ordinance which was promulgated by the President of India on 3-2-1977 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 2nd March, 1977.

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (Legislative Department)

*New Delhi, the 3rd February, 1977/
Magha 14, 1898 (Saka)*

THE PETROLEUM PIPELINES (ACQUISITION OF RIGHT OF USER IN LAND) AMENDMENT ORDINANCE, 1977

No. 2 of 1977

Promulgated by the President in the Twenty-eighth Year of the Republic of India.

An Ordinance to amend the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962.

Whereas the House of the People has been dissolved and the Council of States is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action;

Now, Therefore, in exercise of the powers conferred by clause (1) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

1. Short title and commencement.— (1) This Ordinance may be called the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Ordinance, 1977:

(2) It shall come into force at once.

2. Amendment of long title.— In the Petroleum Pipelines (Acquisition of Right of User in Land) Act, 1962 (hereinafter referred to as the principal Act), in the long title, for the words “for laying petroleum pipelines”, the words “for laying pipelines for the transport of petroleum and minerals” shall be substituted. 50 of 1962.

3. Amendment of section 1.— In section 1 of the principal Act, in sub-section (1), for the words “Petroleum Pipelines”, the words “Petroleum and Minerals Pipelines” shall be substituted.

4. Amendment of section 2.— In section 2 of the principal Act, —

(i) in clause (a), the following words shall be inserted at the end, namely:—

“and different persons or authorities may be authorised to perform all or any of the functions of the competent authority under this Act in the same area or different areas specified in the notification”;

(ii) after clause (b), the following clause shall be inserted, namely:—

“(ba) “minerals” have the meanings assigned to them in the Mines Act, 1952, and include mineral oils and stowing sand but do not include petroleum;” 35 of 1952.

5. Amendment of section 3.— In section 3 of the principal Act, in sub-section (1), after the words “transport of petroleum”, the words “or any mineral” shall be inserted.

6. Amendment of section 4.— In section 4 of the principal Act, after the words “for transporting petroleum”, the words “or any mineral” shall be inserted.

7. Amendment of section 6.— In section 6 of the principal Act, —

(i) in sub-section (1), —

(a) for the words “submit a report accordingly to the Central Government”, the words “either make a report in respect of the land described in the notification under sub-section (1) of section 3, or make different reports in respect of different parcels of such land, to the Central Government containing his recommendations on the objections, together with the record of the

proceedings held by him, for the decision of that Government", shall be substituted;

(b) after the words "the Central Government shall", the words ", if satisfied that such land is required for laying any pipeline for the transport of petroleum or any mineral," shall be inserted;

(c) the words "and different declarations may be made from time to time in respect of different parcels of the land described in the notification issued under sub-section (1) of section 3, irrespective of whether one report or different reports have been made by the competent authority under this section" shall be inserted at the end;

(ii) in sub-section (2), for the words "in the land", the words "in the land specified therein" shall be substituted;

(iii) in sub-section (3), for the words "no declaration under this section has been published", the words "no declaration in respect of any parcel of land covered by that notification has been published under this section" shall be substituted;

(iv) after sub-section (3), the following sub-section shall be inserted, namely:—

"(3A) No declaration in respect of any land covered by a notification issued under sub-section (1) of section 3, published after the commencement of the Petroleum Pipelines (Acquisition of Right of User in Land) Amendment Ordinance, 1977, shall be made after the expiry of three years from the date of such publication".

8. *Amendment of section 7.*—In section 7 of the principal Act, in sub-section (1),—

(i) in clause (i), the word "and" at the end shall be omitted;

(ii) after clause (i), the following clause shall be inserted, namely:—

"(ia) for laying pipelines for the transport of petroleum, it shall be lawful for any person authorised by the Central Government or such State Government or Corporation to use such land for laying pipelines for transporting any mineral and where the right of user in any land has so vested for laying pipelines for transporting any mineral, it shall be lawful for such person to use such land for laying pipelines for transporting petroleum or any other mineral; and".

9. *Amendment of section 9.*—In section 9 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Where the owner or occupier of the land with respect to which a declaration has been made under sub-section (1) of section 6,—

(a) constructs any building or any other structure, or

(b) constructs or excavates any well, tank, reservoir or dam, or

(c) plants any tree,

on that land, the Court of the District Judge within the local limits of whose jurisdiction such land is situate may, on an application made to it by the

competent authority and after holding such inquiry as it may deem fit, cause the building, structure, reservoir, dam or tree to be removed or the well or tank to be filled up, and the costs of such removal or filling up shall be recoverable from such owner or occupier in the same manner as if the order for the recovery of such costs were a decree made by that Court."

10. *Amendment of section 17.*—In section 17 of the principal Act,—

(i) in sub-section (1), for the word "purposes", the word "provisions" shall be substituted;

(ii) in sub-section (3), for the words "before the expiry of the session in which it is so laid or the successive sessions aforesaid", the words "before the expiry of the session immediately following the session or the successive sessions aforesaid" shall be substituted.

FAKHRUDDIN ALI AHMED,
President.

K. K. SUNDARAM,
Secy. to the Govt. of India.

Notification

LD/6015/XIII/76

The following Central Act The Salaries and Allowances of Members of Parliament (Amendment) Act, 1976 (105 of 1976) which was recently passed by the Parliament and assented to by the President of India on 9-9-1976 and published in the Gazette of India Part II, Section I dated 10-9-1976 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 21st December, 1976.

The Salaries and Allowances of Members of Parliament (Amendment) Act, 1976

AN

ACT

further to amend the Salaries and Allowances of Members of Parliament Act, 1954.

BE it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976.

2. *Amendment of long title.*—In the Salaries and Allowances of Members of Parliament Act, 1954 (hereinafter referred to as the principal Act), in the long title, for the words "salaries and allowances", the words "salary, allowances and pension" shall be substituted.

30 of 1954

3. *Amendment of section 1.* — In section 1 of the principal Act, in sub-section (1), for the words "Salaries and Allowances", the words "Salary, Allowances and Pension" shall be substituted.

4. *Amendment of section 2.* — In section 2 of the principal Act, for sub-clause (b) of clause (c), the following sub-clause shall be substituted, namely: —

“(b) in relation to a new member, —

(i) where such new member is a member of the Council of States elected in a biennial election, or nominated, to that House, the period beginning with the date of publication of the notification in the Official Gazette notifying his name under section 71 of the Representation of the People Act, 1951; or

43 of 1951

(ii) where such new member is a member of the House of the People elected in a general election held for the purpose of constituting a new House of the People, the period beginning with the date of publication of the notification of the Election Commission under section 73 of the said Act; or

(iii) where such new member is a member of either House of Parliament elected in a bye-election to that House or a member nominated to the House of the People, the period beginning with the date of his election referred to in section 67A of the said Act or, as the case may be, the date of his nomination,

and ending with, in each such case, the date on which his seat becomes vacant.’

5. *Amendment of section 5.* — Section 5 of the principal Act shall be re-numbered as sub-section (1) thereof and after that sub-section as so re-numbered, the following sub-section shall be inserted, namely: —

“(2) Where in any year a member does not perform during any session any such journey as is referred to in the second proviso to sub-section (1), or the number of such journeys performed by him during any session is less than the maximum specified in that proviso with respect to such session, then, such member shall be entitled to perform all or, as the case may be, the remaining number, of such journeys during any other session or sessions in that year, in addition to the number of journeys which he is otherwise entitled to perform under that proviso during such other session or sessions.”

6. *Insertion of new section 6C.* — After section 6B of the principal Act, the following section shall be inserted, namely: —

“6C. *Air travel facilities in certain circumstances.* — Without prejudice to the other provisions of this Act, where during any part of a year the usual place of residence of a member in his constituency is inaccessible to or from any place outside his constituency by road, rail or steamer due to climatic conditions, but there is air service between any place in his constituency, and the nearest place, having rail service, outside his constituency, such member shall be entitled to travel to and fro by air

from the nearest place in his constituency where there is air service to such place having rail service:

Provided that where the nearest place having air service is outside his constituency, such member shall be entitled to travel to and fro by air only from such place to the nearest place having rail service.”

7. *Insertion of new section 8A.* — After section 8 of the principal Act, the following section shall be inserted, namely: —

“8A. *Pension.* — (1) With effect from the commencement of the Salaries and Allowances of Members of Parliament (Amendment) Act, 1976, there shall be paid a pension of three hundred rupees per mensem to every person who has served for a period of five-years, whether continuous or not, —

(i) as a member of the Council of States; or

(ii) as a member of the House of the People; or

(iii) partly as a member of the Council of States and partly as a member of the House of the People; or

(iv) as a member of the Provisional Parliament; or

(v) partly as a member of the Provisional Parliament and —

(a) partly as a member of the Council of States and partly as a member of the House of the People, or

(b) partly as a member of the Council of States or partly as a member of the House of the People:

Provided that where any person has served as aforesaid for a period exceeding five years, there shall be paid to him an additional pension of fifty rupees per mensem for every year in excess of five, so, however, that in no case the pension payable to such person shall exceed five hundred rupees per mensem.

Explanation. — For the purposes of clauses (iv) and (v) of sub-section (1), “Provisional Parliament” shall include the body which functioned as the Constituent Assembly of the Dominion of India immediately before the Commencement of the Constitution.

(2) Where any person entitled to pension under sub-section (1), —

(i) is elected to the office of the President or Vice-President or is appointed to the office of the Governor of any State or the Administrator of any Union territory; or

(ii) becomes a member of the Council of States or the House of the People or any Legislative Assembly of a State or Union territory or any Legislative Council of a State or the Metropolitan Council of Delhi constituted under section 3 of the Delhi Administration Act, 1966; or

19 of 1966

(iii) is employed on a salary under the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority or becomes otherwise entitled to any remuneration from such Government, corporation or local authority,

such person shall not be entitled to any pension under sub-section (1) for the period during

which he continues to hold such office or as such member, or is so employed, or continues to be entitled to such remuneration:

Provided that where the salary payable to such person for holding such office or being such member or so employed, or where the remuneration referred to in clause (iii) payable to such person, is, in either case, less than the pension payable to him under sub-section (1), such person shall be entitled only to receive the balance as pension under that sub-section.

(3) Where any person entitled to pension under sub-section (1) is also entitled to any pension from the Central Government or any State Government, or any corporation owned or controlled by the Central Government or any State Government, or any local authority, under any law or otherwise, then, —

(a) where the amount of pension to which he is entitled under such law or otherwise, is equal to or in excess of that to which he is entitled under sub-section (1), such person shall not be entitled to any pension under that sub-section; and

(b) where the amount of pension to which he is entitled under such law or otherwise, is less than that to which he is entitled under sub-section (1), such person shall be entitled to pension under that sub-section only of an amount which falls short of the amount of pension to which he is otherwise entitled under that sub-section.

(4) In computing the number of years, for the purposes of sub-section (1), the period during which a person has served as a Minister as defined in the Salaries and Allowances of Ministers Act, 1952 or an Officer of Parliament as defined in the Salaries and Allowances of Officers of Parliament Act, 1953, (other than the Chairman of the Council of States), or both, by virtue of his membership in the House of the People or in the Council of States shall also be taken into account.”

8. *Amendment of section 9.* — In sub-section (3) of section 9 of the principal Act, —

(a) after clause (e), the following clause shall be inserted, namely: —

“(ee) the form in which certificates, if any, shall be furnished by any person for the purpose of claiming any pension under this Act;”;

(b) in clause (g), for the words “daily and travelling allowances”, the words “daily and travelling allowances and pension” shall be substituted.

Notification

LD/1099/77

The following Order which was issued by the Government of India on 9-2-1977 is hereby republished for general information of the public.

B. S. Subbanna, Under Secretary (Law).

Panaji, 4th March, 1977.

MINISTRY OF HOME AFFAIRS

Order

New Delhi, the 9th February, 1977

G. S. R. 71(E) — In exercise of the powers conferred by rules 100, 101 and sub-rule (6) of rule 102 of the Defence and Internal Security of India Rules, 1971 the Central Government hereby makes the following Order to amend the Compensation Tribunal Order, 1974, namely: —

1. (1) This order may be called the Compensation Tribunal (Amendment) Order, 1977.

(2) It shall come into force at once.

2. In the Compensation Tribunal Order, 1974 (hereinafter referred to as the said Order), paragraph 7 shall be omitted.

3. In paragraph 19 of the said Order the words “on payment of such expenses and fees as it considers reasonable”, shall be omitted.

[No. II/16017/1/74-S&P (D.II)]

R. L. MISRA, Jt. Secy.

Legislative Assembly of Goa, Daman and Diu

Legislature Department

LA/B/7/428/77

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 22nd March, 1977 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) (Second Amendment) Bill, 1977

(Bill No. 5 of 1977)

A

BILL

further to amend certain provisions of the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974.

BE it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-eighth Year of the Republic of India as follows: —

1. *Short title and commencement.* — (1) This Act may be called the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) (Second Amendment) Act, 1977.

(2) It shall come into force at once.

2. *Amendment of section 3.* — In section 3 of the Goa, Daman and Diu Motor Vehicles (Taxation on

Passengers and Goods) Act, 1974 (7 of 1974) (hereinafter called the 'Principal Act'), —

(i) in clause (i) of sub-section (1), for the words "ten percentum", the words "fifteen percentum" shall be substituted;

(ii) in proviso to clause (i) of sub-section (1), for the words "one-eleventh", the words "three-twenty thirds" shall be substituted;

(iii) for sub-section (4), the following shall be substituted, namely: —

"(4) In the determination of the amount of tax leviable and payable under this Act, amount less than three paise shall be disregarded and amount equal to or exceeding three paise shall be regarded as five paise".

3. *Amendment of Schedule.* — For clause (a) of the Schedule appended to the Principal Act, the following shall be substituted, namely: —

"(a) in the case of a stage carriage —

Seventy-five paise per seat per year per kilometre of the total daily kilometres permitted or at the option of the operator, twelve rupees per seat per month; and"

Statement of Objects and Reasons

The Bill seeks to amend the Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Act, 1974 so as to enhance passenger tax payable under the said Act with a view to augment the revenue resources. The existing rates of passenger tax in this territory are much lower than those prevailing in the neighbouring States.

The existing rates of goods tax including composition fee in respect of public carriers are not being enhanced keeping in view the repercussions that such a revision may have on the development of the territory in general and on the prices of essential commodities in particular.

The Bill seeks to amend sub-section (4) of section 3 of the 1974 Act so as to enable the authorities to round off the tax leviable under the Act.

Financial Memorandum

Proposed amendment of Section 3(4) relating to rounding of Passenger and goods tax, entails no financial implications. There may be however some marginal difference in receipts on either side, i.e. the existing rate of receipts may either increase or decrease marginally.

As for the proposed amendment of Section 3(1) (i) and the Schedule to the Act, the proposed revision of the rates of passenger tax would fetch additional revenue to the tune of Rs. 10.75 lakhs, a year. No additional expenditure is contemplated in this connection.

Panaji, SHASHIKALA G. KAKODKAR
7th March, 1977. Chief Minister

Assembly Hall, M. M. NAIK
Panaji, Secretary to the Legislative Assembly of Goa, Daman and Diu.
17th March, 1977.

(Annexure to Bill no. 5 of 1977)

The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) (Second Amendment) Bill, 1977

The Goa, Daman and Diu Motor Vehicles (Taxation on Passengers and Goods) Bill, 1974

(Act No. 7 of 1974)

3. *Levy of tax on passengers and goods.* — (1) On and from the date of the commencement of this Act, there shall be levied and paid to the Government a tax —

(i) On all passengers and goods carried by stage carriages, at such rate as would yield an amount equal to ten percentum of the amount of fares and freights payable to the operator of a stage carriage:

Provided that if the operator levies and collects fares and freights inclusive of the tax under this sub-section, the operator shall pay to the Government on account of the tax, one-eleventh of the total amount of fares and freights inclusive of tax collected by him; and

(4) In the determination of the amount of tax leviable and payable under this Act, fraction of a paisa less than half a paisa shall be disregarded and fraction of a paisa equal to or exceeding half a paisa shall be regarded as one paisa.

SCHEDULE

(See section 14)

1. The composition fee referred to in section 14 shall be calculated for the entire unexpired period of the currency of the permit or for a period of the currency of the permit or for a period of one month whichever is less, at the rate —

(a) in the case of a stage carriage —

Fifty paise per seat per year per kilometer, of the total daily kilometers permitted or at the option of the operator, of eight rupees and fifty paise per seat per month; and

(b) in the case of a public carrier vehicle —

Thirty seven rupees and fifty paise per month.

Explanation. — Where stage carriage is permitted to carry standing passengers, one-third of the fee per seat referred to in clause (a) shall also be payable in respect of each of the standing passengers aforesaid as if seating accommodation had been provided for them.

Panaji,
Assembly Hall,
17th March, 1977.

M. M. NAIK
Secretary to the Legislative Assembly of Goa, Daman and Diu.

LA/B/7/427/77

The following Bill which was introduced in the Legislative Assembly of Goa, Daman and Diu on 22nd March, 1977 is hereby published for general information in pursuance of the provisions of Rule 136 of the Rules of Procedure and Conduct of Business of the Legislative Assembly.

The Goa, Daman and Diu Entertainment Tax
(Amendment) Bill, 1977

(Bill No. 6 of 1977)

A
BILL

further to amend the Goa, Daman and Diu Entertainment Tax Act, 1964.

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Twenty-eighth Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Goa, Daman and Diu Entertainment Tax (Amendment) Act, 1977.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 3.*—In section 3 of the Goa, Daman and Diu Entertainment Tax Act, 1964 (2 of 1964),—

(a) for sub-section (1), the following shall be substituted, namely:—

“(1)(a) There shall be levied and paid to the Government on all payments for admission to any entertainment, not being a game or sport a tax at the following rates, namely:—

(i) On payments for admission not exceeding Re. 1/-	30% of the amount paid for admission;
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(ii) On payments for admission exceeding Re. 1/- but not exceeding Rs. 2/-	45% of the amount paid for admission;
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(iii) On payments for admission exceeding Rs. 2/-	60% of the amount paid for admission;
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(b) Notwithstanding anything contained in clause (a), the tax in respect of the theatrical performances including dramas, shall be levied and paid at the rate of 10% of the amount paid for admission.

(c) Where the entertainment is provided by a game or sport, the tax shall be levied and paid at the following rates, namely:—

(i) On payment for admission not exceeding Re. 1/-	Nil;
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(ii) On payment for admission exceeding Re. 1/- but not exceeding Rs. 2/-	15% of the amount paid for admission.”;
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(iii) On payments for admission exceeding Rs. 2/-	20% of the amount paid for admission.”;
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(b) for sub-section (2) the following shall be substituted, namely:—

“(2) In computing the tax payable under sub-section (1) the tax leviable shall be computed with reference to each single person admitted and shall, wherever necessary, be rounded off to the nearest multiple of five paise and, for this purpose, where such amount contains any amount less than five paise, then if such amount is two paise or more, it shall be increased to five paise and if such amount is less than two paise, it shall be ignored.”

Statement of Objects and Reasons

In order to meet increasing expenditure on various development and welfare schemes of the Government it is felt necessary to raise additional revenue. The Bill seeks to provide for enhancement of rates of entertainment tax on the tickets sold for admission to entertainments.

Financial Memorandum

No financial commitment is involved in this Bill as there will be no additional expenditure due to the proposed amendment.

The existing machinery will deal with whatever additional work may arise on account of the proposed amendment.

Panaji,
17th March, 1977.

SHASHIKALA G. KAKODKAR
Chief Minister

Assembly Hall,
Panaji,
18th March, 1977.

M. M. NAIK
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

(Annexure to Bill No. 6 of 1977)

The Goa, Daman and Diu Entertainment Tax (Amendment) Bill, 1977

The Goa, Daman and Diu Entertainment Tax Act, 1964

(Act No. 2 of 1964)

3. *Levy of Tax.*—(1) (a) There shall be levied and paid to the Government on all payments for admission to any entertainment not being a game or sport of a theatrical performance, a tax at the following rates, namely:—

(i) on payments for admission not exceeding 50 paise	Nil
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(ii) on payments for admission exceeding 50 paise but not exceeding Rs. 1-50	30% of the total amount paid.
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(iii) on payments for admission exceeding Rs. 1-50	40% of the total amount paid.
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(b) Where the entertainment is provided by a game or sport or a theatrical performance, tax shall be levied and paid as aforesaid at the following rates, namely:—

(i) on payments for admission not exceeding 50 paise	Nil
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(ii) on payments for admission exceeding 50 paise but not exceeding Rs. 1-50	15% of the total amount paid.
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(iii) on payments for admission exceeding Rs. 1-50	20% of the total amount paid.
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(2) In computing the Tax payable under sub-section (1), the tax leviable shall be computed with reference to each single person admitted and shall, wherever necessary, be rounded off to the nearest paisa fractions of half-a-paisa and over being counted as one, and less than half-a-paisa being disregarded.

Assembly Hall,
Panaji,
18th March, 1977

M. M. NAIK
Secretary to the Legislative Assembly
of Goa, Daman and Diu.

Government Press

Notice

The subscribers to the Official Gazette are kindly reminded that their present subscription term ends on the 31st March, 1977, which is the close of the financial year.

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